IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24250 of 2004

Between:

Dr. K. Shashikanth, S/o K. Aravind,
R/o 8-6-257/A, Padmavathi Colony, Mahaboobnagar,
Mahaboobnagar District.

..... PETITIONER

AND

1 The District Medical & Health Officer, Mahaboobnagar.
2 The Director of Health, Hyderabad.
3 The State of Andhra Pradesh, Rep. by its Principal Secretary,
Secretariat Buildings , Hyderabad.
4 Dr. R. Rajani, W/o Vidya Sagar,
R/o Kapilavasthu Junior College, Mahaboobnagar,
Mahaboobnagar

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus: i) declaring the impugned order of the Respondent No.1 in proceedings Rc.No. 4840/E1/2004, dt. 10-12-2004 as arbitrary, illegal, violative of Articles

14, 16 & 21 of the Constitution of India and consequently set aside the same; and be pleased to pass such other order or orders

Counsel for the Petitioner:MR.A.SUDERSHAN REDDY

Counsel for the Respondents 1 to 3 : Government Pleader for Services-I,

The Court at the admission stage made the following :

ORDER: (per Hon'ble Mr.Justice G.Bikshapathy)

Assailing the order passed by the A.P. Administrative Tribunal in O.A.No.6784/2004 dated 16-12-2004 refusing to interfere with the proceedings Rc.No.4840/E1/2004 dated 10-12-2004 of the 1st respondent by which the petitioner was transferred and posted at Bhoothpur, the present Writ Petition has been filed.

It is stated that the petitioner who was working as Civil Assistant Surgeon on contract basis at Edira was transferred to Bhoothpur by the proceedings of the 1st respondent dated 10-12-2004. Challenging the said order, the petitioner approached the A.P. Administrative Tribunal in O.A.No.6784/2004 and the Tribunal by the order dated 16-12-2004 refused to interfere with the said order of transfer and dismissed the O.A. Hence, the Writ Petition.

The learned Counsel for the petitioner submits that as per the original terms and conditions of appointment the petitioner is not liable to be transferred to any other place. The learned Counsel also submitted that the transfer was not effected in accordance with the Rules and therefore the impugned order of transfer issued by the 1st respondent dated 10-12-2004 is liable to be set-aside.

We have perused the order under challenge and also the proceedings of transfer of the 1st respondent dated 10-12-2004.

The Tribunal after considering the matter observed that in the guidelines annexed to G.O.Ms.No.105, Health, Medical & Family Welfare (J2) Department dated 29-1-2004, the Department reserved the right to transfer contractual appointees. The Tribunal further observed that in the absence of material it is not possible to conclude that the petitioner is continuing under the same terms and conditions under which he was originally appointed in the year 2001 and under the revised guidelines it is stated that for the exigencies of service, it is open to the authorities to effect transfers. The Tribunal also further observed that transfer is an incidence of service and dismissed the O.A. Under these circumstances, we do not find any illegality in the order passed by the Tribunal and we accordingly dismiss the Writ Petition. No order as to costs.

Justice G.Bikshapathy

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Justice P.S.Narayana

Date : 30-12-2004

AM

To

1 The District Medical & Health Officer, Mahaboobnagar.
2 The Director of Health, Hyderabad.
3 Principal Secretary to Government,

State of Andhra Pradesh,
Secretariat Buildings , Hyderabad.

4. .2CCs to Government Pleader for Services-I,

High Court of A.P., Hyderabad (OUT)

5. 2CD copies

6. The A.P. Administrative Tribunal, Hyderabad.